

REMARKS

As the Examiner is aware, this application is part of the Motorola "bulk filing" applications. Special procedures have been approved for these cases with regard to IDSs, etc. Examiner Baumeister and SPEs Chaudry, Lee and Flynn are well aware of this program should the Examiner have any questions. Of course, he may also call the undersigned.

The present claims have been amended in accordance with the rejection under 35 U.S.C. 112 by removing the remaining terms "metal nitride layer" in claims 55, 58, 63, 68, 69, 71, and 72.

With reference to the provisional rejection under the judicially created doctrine of obviousness-type double patenting, Applicants understand from a telephone discussion with Examiner Fazli Erdem on February 28th, 2005 that the rejection is moot since the cited co-pending Application No. 09/903740 has been expressly abandoned. The express abandonment occurred on February 14, 2003. These facts are substantiated in the attached printout of the data for Application No. 09/903740 from the USPTO PAIR website.

Applicant notes that any amendments or claim cancellations made herein and not substantively discussed above are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such amendments or cancellations not substantively discussed. Furthermore, any remarks made herein with respect to a given claim or amendment

are intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Applicant specifically reserves the right to prosecute claims of differing and broader scope than those presented herein, in a continuation application.

As mentioned in the last response, Applicants have met with the above-mentioned Examiner and SPEs to discuss this series of cases and the prior art. As a result of these discussions and in view of the present Office Action it is now considered that the above amendments to the claims place them in condition for allowance.

Please charge any fees associated herewith, including extension of time fees, to 502117.

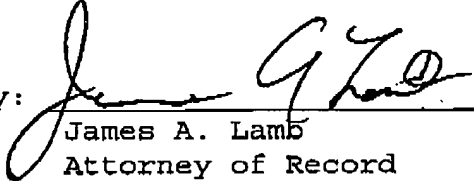
Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

By:


James A. Lamb

Attorney of Record

Reg. No.: 38,529

Telephone: (847) 576-5054

Fax No.: (847) 576-3750

Email: jim.lamb@motorola.com